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Executive Director
Sandra Fitzpatrick

COMMISSION MINUTES

April 23-24, 2007

Sierra Health Foundation, Sacramento

MONDAY, APRIL 23, 2007

I. Call to Order and Pledge of Allegiance

Chair Esquivel called the meeting to order at 8:35 a.m. Commissioner DeNunzio led the Pledge of Allegiance.

II. Roll Call, Determine Excused and Unexcused Absences, Establish Quorum

Commissioners Present: Celia Esquivel, Ernest Ayala, Connie Chang, Lily Chen, James Davis, Mike DeNunzio, Shannon Glavaz, Erica Goode, Karen Josephson, Sharon Monck, Cheryl Phillips, Jon Pynoos, Carlos Rodriguez, Andy Scharlach, Hav Staggs, Donna Ueland, Leah Wyman, Benny Yee

Commissioners Excused: Ruth Braswell, Hank Lacayo, Richard Lundin, Tom Rowe.

M/S/C (Staggs/Chen)

TO APPROVE THE EXCUSED ABSENCES.

Guests: Nicole Smith, Janet Eaton, Lynn Daucher, Dixon Arnett, Ray Mastalish

Staff: Sandra Fitzpatrick, Carol Sewell, Lynn Nielsen

A quorum was present.

III. Introductions

The Chair requested each Commissioner to provide a quick introduction.

IV. Approve Agenda

The April 22-24, 2007 agenda was reviewed.

M/S/C (Davis/Josephson)

TO APPROVE THE APRIL 22-24, 2007 AGENDA.

V. Approve Minutes

The minutes from the February 7, February 7-8 and April 3, 2007 meetings were reviewed.

M/S/C (Monck/Josephson)

TO APPROVE THE EXECUTIVE COMMITTEE MEETING MINUTES FROM FEBRUARY 7, 2007, THE FULL COMMISSION MEETING MINUTES FROM FEBRUARY 7-8, 2007, AND THE EXECUTIVE COMMITTEE MINUTES FROM APRIL 3, 2007.

VI. Public Comments

None.

VII. Report of April 3, 2007 Executive Committee Meeting (Commissioner Davis)

A. Ratify CCoA support for AB 322 (Berg) and AB 749 (Berg)

AB 322 and AB 749 were discussed by the Executive Committee.

M/S/C (Davis/Ayala)

TO RATIFY THE EXECUTIVE COMMITTEE'S ADOPTION OF SUPPORT POSITIONS ON AB 322 AND AB 749.

B. 2007 Meeting Schedule

The Commission meeting schedule for the remainder of 2007 was reviewed. The June 13-14 meeting in Sacramento will include the retreat originally scheduled for April. The August 13-14 meeting will take place in Riverside and Rancho Cucamonga. The October meeting will occur in Sacramento, allowing Commissioners to meet with CDA staff on State Plan monitoring activities. Commissioner Pynoos described the Fall Prevention Summit scheduled for December 5-6, 2007 in Long Beach. There are plans to coordinate with CCoA on the Public Hearing portion of the Summit.

VIII. Presentation: Bagley-Keene Open Meetings Act -- Nicole Smith, CDA Legal Counsel and Janet Eaton, California State Council on Developmental Disabilities

Eaton gave a brief overview of the Bagley-Keene Act, stressing that the point of the Act was to protect the public's right to know how the government conducts its affairs. Eaton suggested that one CCoA meeting a year include a refresher course on the Bagley-Keene Act. Several points of interest were reviewed:

- The definition of a meeting involves three members of the public body discussing the work of that body. Members need not be in a single location to meet the definition of a meeting; information gathering between members via telephone or e-mail may constitute a serial meeting. There are several types of prohibited serial meetings:
 - (1) Telephoning new appointees to the body or other members on items coming before the body.
 - (2) Technology – e-mails count as a meeting between more than two people.

- Factual information disseminated by the Executive Director is not the same as information gathering that will be used in the deliberative process.
- Meetings via conference calls are allowed, but each location tied into the call needs to be noticed on the agenda and open to the public. A participant may not join a conference call from a cell phone in a car. In addition, every vote taken during the call must be a roll call vote.
- Meeting notices must be posted 10 days in advance.
- Consequences for taking action on items not properly noticed on the meeting agenda may include lawsuits, costs/fees to attorneys, misdemeanor charges, and voiding of actions that were voted on.
- Any member of the public who requests an agenda in advance must receive one; if attachments are requested, they must be provided. On the day of the meeting, a copy of the agenda and attachments must be available to the public to review.
- Specific times for presentation and breaks may be omitted from the agenda to allow more flexibility; however, a body may not move agenda items from one day to another or change presentation times once an agenda is posted.
- The Attorney General's Office has ruled that anything with an action item on the agenda must be heard at the time specified in the agenda so that the public can attend.

Smith offered to research the legal definition of a meeting (three or more, or less than three participants). Smith will also research and relay information to Fitzpatrick on subgroup discussions that may occur for meeting planning and logistics. Commissioners with questions were directed to e-mail Fitzpatrick.

IX. Advocacy & Policy Committee Report (Commissioner Staggs)

A. Advocacy & Policy Committee Recommendations from 4/10/07 meeting

1. AJR 3 (Dymally) – SUPPORT. Approved.
2. AB 182 (Ma) – SUPPORT. Approved.
3. SB 260 (Steinberg) -- SUPPORT. Failed on a vote of 3 to 8 with two abstentions. Commissioner Scharlach requested additional information.

M/S/C (Scharlach /Staggs)

TO TAKE A WATCH POSITION ON SB 260.

4. SB 321 (Alquist) - SUPPORT. Approved with one abstention.

B. Advocacy & Policy Committee Recommendations from 4/22/07 meeting

1. AB 317 (Berg) -- SUPPORT. Approved.
2. AB 364 (Berg) – SUPPORT. Approved with a 9-6 vote.
The Commissioners discussed the logistics of discharge planning and the possibility of proposing bill amendments to improve the process.

M/S/D (Goode/Yee)

TO RESCIND CCoA's SUPPORT POSITION ON AB 364.

Motion failed on a vote of 8-6, with one abstention.

3. AB 827 (Hancock) – SUPPORT. Approved.
4. AB 1142 (Salas) – WATCH. Approved with one abstention.
The Commissioners discussed concern about warehousing dying patients, dignity in end-of-life care, and greater need for staff training.

Vice Chair Davis requested a motion to consider all remaining Advocacy & Policy Committee recommendations.

M/S/C (Ayala/Phillips)

TO CONSIDER REMAINING ADVOCACY & POLICY RECOMMENDATIONS.

5. AB 374 (Berg) -- WATCH. Approved.
The Commissioners discussed varying perspectives on the issue.
6. AB 18 (Blakesley) – SUPPORT. Approved.
7. AB 23 (Ma) – REMOVE FROM CCOA 'WATCH' LIST. Approved.

8. AB 106 (Berg) – SUPPORT. Defeated.
The Commissioners discussed current requirements on hospitals that include offering vaccinations.

M/S/C/ (Phillips/ Staggs)

TO TAKE A “WATCH” POSITION ON AB 106.

9. AB 267 (Calderon) – WATCH. Approved.
10. SB 483 (Kuehl) – SUPPORT. Approved.
11. CDA Budget Request – SUPPORT. Approved.
12. APS Budget Augmentation – SUPPORT. Approved.
13. Prop 1C Infill Development Funds – TABLED UNTIL MORE INFORMATION IS AVAILABLE. Approved.

C. Status Report on AB 927 (Saldana)

Sewell reported that AB 927 had passed both the Assembly Housing and Appropriations Committees. The bill lacks bi-partisan support; the co-sponsor group is working to build a broader support coalition before the bill reaches the Governor’s desk.

X. Executive Director’s Report

Director Fitzpatrick reported on staff activities. She noted that the financial statements do not include the \$25,000 budget augmentation from carryover funds.

XI. Presentation by California Department of Aging Director Lynn Daucher: *Working Together on Behalf of Older Californians*

Vice Chair Davis introduced Lynn Daucher, who was appointed as Director for the California Department of Aging (CDA) in February, 2007.

CDA Director Daucher gave a brief overview of her background, expertise and passion surrounding issues for children, seniors and the Olmstead decision. She discussed the importance of partnering between the aging and disability communities. She stated that the boomer population is expected to rise in the future and methods to address this increase with limited resources are a concern. Partnerships and leveraging funds are solutions and new ways to provide services need to be identified and put into place.

CDA Director Daucher discussed the role CCoA can play in helping to meet the present and future aging needs. Issues of importance to CDA Director Daucher include legal services,

legislation to study senior centers, Prop 63 (Mental Health initiative) and healthcare reform proposals, including end-of-life and hospice care.

XII. Unfinished business

A. Nomination of Lily Lee Chen to the Executive Committee

Chair Esquivel announced the Executive Committee's nomination of Commissioner Chen to fill the vacant seat on the Executive Committee. Chair Esquivel requested additional nominations three times; none were offered.

M/S/C (Ayala/Yee)

TO CLOSE NOMINATIONS AND ELECT COMMISSIONER CHEN UNANIMOUSLY.

B. Appointment of Commissioners to co-chair the State Plan on Aging Monitoring Committee.

Commissioner Esquivel announced Commissioners Chen and Glavaz as co-chairs of the State Plan on Aging Monitoring Committee.

XIII. New Business

A. Discussion and reactions to CDA Director Daucher's presentation.

Director Fitzpatrick was encouraged to meet with Director Daucher on common issues. Commissioners described the relationship with CDA as positive.

B. Recognition of Family Caregiver Alliance (FCA) 30th Anniversary

Vice Chair Davis provided an overview of the FCA's accomplishments during their thirty years of operation.

M/S/C (Goode/Yee)

TO PRESENT A CERTIFICATE OF RECOGNITION TO FAMILY CAREGIVER ALLIANCE ON THE OCCASION OF THEIR 30th ANNIVERSARY.

C. SB 491 (Alquist): An overview

Vice Chair Davis gave a brief overview of this bill to reframe the Older Californians Act (OCA). On Tuesday, April 24, 2007 Dixon Arnett and Ray Mastalish will make a presentation to the CCoA on this bill and related constituent advocacy building process.

Director Fitzpatrick reviewed the documents distributed to Commissioners and provided an overview of the current Older Californians Act (OCA). OCA sets forth the state's commitment to its older population. The OCA was last amended in 1996.

SB 491 is a two-year spot bill. The initial language is to guide hearing dialogue. The goal of the advocacy building process is to generate new language for the bill.

Funding will be solicited from foundations. Vice Chair Davis discussed the CCoA role in assisting with this bill, what was next in this process, and how decisions will be within the CCoA.

M/S/C (Staggs/Glavaz)

TO RATIFY THE EXECUTIVE COMMITTEE DECISION TO RESPOND AFFIRMATIVELY TO SENATOR ALQUIST'S REQUEST FOR THE CCoA TO ASSIST WITH THE ADVOCACY BUILDING PROCESS.

M/S/C (Staggs/Monck)

TO RATIFY THE EXECUTIVE COMMITTEE'S DECISION THAT CCoA SHALL BE THE LEAD AGENCY IN THE GRANT SUBMISSION PROCESS.

XIV. Commissioner Reports

Commissioners reported on activities they are participating in.

XV. Meeting recessed until 9:00 a.m. Tuesday, April 24, 2007

TUESDAY, APRIL 24, 2007

XVI. Call to Order

Chair Esquivel reconvened meeting without a quorum. Director Fitzpatrick was thanked for the evening activities held on April 23.

XVII. Presentation: SB 491 (Alquist) *Dixon Arnett and Ray Mastalish*

SB 491 is a bill to reframe the Older Californians Act. It is a two-year spot bill containing temporary language. Arnett and Mastalish made a presentation to the Commission on a proposed year-long, Advocacy Building Process that will result in additional language for SB 491.

XVIII. Next Meeting: June 13-14, 2007 in Sacramento

XIX. Adjourn

Chair Esquivel adjourned the meeting at 11:30 a.m.